



900 Third Avenue, 21st Floor, New York, NY, 10022 212.684.0199

October 3, 2014

Jason A. Nagi
(212) 644-2092
(212) 684-0197 Fax
jnagi@polsinelli.com

Honorable Thomas P. Griesa
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: U.S. Bank N.A. as Trustee, etc. v. GTA Realty, LLC, et al.,
14-cv-03508 (TPG)**

Dear Judge Griesa:

I am counsel for U.S. Bank, N.A., as Trustee, etc. (“**Plaintiff**”) in the above referenced case and write in response to the defendants’ October 2, 2014 letter request to extend their time to respond to Plaintiff’s summary judgment motion and for a conference.

Defendants’ request is just one of many attempts to delay the ultimate resolution of this straightforward foreclosure action. At every turn in the litigation, the defendants have asked for more time, whether it was because they were on the cusp of re-financing or of selling one of the buildings at issue here—a justification they even used to briefly delay the appointment of the receiver. Indeed, despite the fact that defendant Borrower, GTA Realty, LLC was served with process on May 23, 2014 [Dkt No. 3], Plaintiff consented to three extensions of time to answer, through August 26, 2014 [Dkt No. 30]. The reasons expressed to justify each extension were always based on an imminent settlement possibility. Nearly four months later, no settlement has materialized, and now, while defendants have somewhat changed their tune and stopped espousing settlement, they openly admit that they will be filing a bankruptcy petition. If defendants intend to file bankruptcy, there is even less reason to grant an extension of time to respond to the motion, since a bankruptcy would stay these proceedings, providing defendants the extension they claim to require. Finally, to the extent defendants’ counsel has indicated that he must withdraw because of a breakdown in client communication, this is something that was likely evident some time ago and should not be used at this juncture as one more excuse to delay the resolution of a foreclosure where no legitimate defenses have been raised.

Given the above, we see no reason to allow defendants to further delay these proceedings and ask that Your Honor deny their request, and, if no opposition is filed by October 6, 2014,



October 3, 2014

Page 2

enter a judgment in favor of Plaintiff, in the form submitted with Plaintiff's motion for summary judgment.

Sincerely,

/s/ Jason A. Nagi

Jason A. Nagi

JAN:rc

cc: Bruce Feldman, Esq. (by ECF)
Counsel for defendants